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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,539	06/01/2001	Mitchell T. Berg	29820.8	2258
500	7590	09/20/2004	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,539

Applicant(s)

BERG, MITCHELL T.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/5/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-20 rejected under 35 U.S.C. 102(e) as being anticipated by Colby et al. (6,006,264) (hereinafter Colby).

4. As per claims 1 and 11, Colby discloses an information processing system and method, comprising: a first computing device for:

receiving a first information packet (col 4, lines 63-67) originating from a client (col 8, lines 35-40);

in response to the first information packet (col 4, lines 63-67), identifying a computing device (110, fig 1b) that stores a data structure of a connection with the client (col 8, lines 35-40); if the identified computing device is the first computing device (col 8, lines 40-43), performing an operation of an application in response to the first information packet (col 8, lines 44-49); and if the identified computing device is a second computing device (col 8, lines 49-55), outputting a second information packet (col 4, lines 63-67) to the second computing device for performing the operation in response (col 8, lines 9-15) to the second information packet (col 4, lines 63-67), the second information packet (col 4, lines 63-67) including a reference to the data structure (col 7, lines 41-45), the reference being included (redirect, col 8, lines 9-15) within a single header of the second information packet (col 7, lines 41-45 and col 8, lines 34-46).

5. As per claims 2 and 12, Colby discloses the second information packet includes the first information packet (modified, col 8, lines 9-15).

6. As per claims 3 and 13, Colby discloses the operation is a first operation, and wherein the reference includes an IP address of the client (col 6, lines 58-63), a port of a second application executed by the client (col 6,

lines 7-20), an IP address of the second computing device client (col 6, lines 58-63), and a port of the first application executed by the second computing device client (col 6, lines 58-63).

7. As per claims 4 and 14, Colby discloses the port of the first application is a TCP port (col 1, lines 49-54).

8. As per claims 5 and 15, Colby discloses the port of the first application is a UDP port (col 1, lines 49-54).

9. As per claims 6 and 16, Colby discloses the first computing device is for receiving the first information packet through a global computer network (internet, col 4, lines 60-67).

10. As per claims 7 and 17, Colby discloses the first computing device is for: if the identified computing device is a second computing device (col 8, lines 34-46), outputting the second information packet to the second computing device through a local area network (col 5, lines 22-25).

11. As per claims 8 and 18, Colby discloses the application is a socket application (the Office takes the term "socket application" as any application

which either uses, controls, or interfaces with a socket, such as a web server, 120b, fig 1b,col 1, lines 49-58).

12. As per claims 9 and 19, Colby discloses the first computing device is a network interface card (this is the inherent feature of Colby, since the Server would be unable to communicate with network if a NIC was not installed on the server, 120b, fig 1b).

13. As per claims 10 and 20, Colby discloses the first information packet (TCP SYN, col 10, lines 40-41) is addressed by the client to the first computing device (col 10, lines 40-41), and wherein the first computing device is for receiving the first information packet TCP SYN, col 10, lines 40-41) in response to the addressing (col 10, lines 44-50).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,182,139 teaches load balancing via client side dispatcher.

U.S. Patent 6,725,272 teaches guaranteed client/server response time.

U.S. Patent 6,400,730 teaches smart NIC card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

